

Agenda

- I. Permanence Goals
- II. Foster to Adopt Placement
- III. Termination of Parental Rights
- IV. Independent Living Program
- V. Juvenile Court Process
- VI. Bill of Rights for Foster Parents, Children and Primary Families

The Juvenile Court Process

Action	How Accomplished (Process)	Outcome
Child removed from home for his safety and protection and is placed in care	<ul style="list-style-type: none"> • DFCS files a deprivation complaint or petition; or • Court issues an ex parte order or other such order granting authority; or • Law enforcement or officer of the court removes and obtains approval from the court or a designated intake officer authorizing DFCS to take placement responsibility; or • A verbal order is issued by a juvenile court judge (only if followed by a written order which is obtained the first work day after the issuance of a verbal order). 	Child considered in protective custody until an informal detention hearing within 72 hours is held. A written order signed by the judge (or designated court personnel) should be obtained for the case record as the documented legal authority to hold a child.
72-Hour Hearing (Detention Hearing)	<ul style="list-style-type: none"> • Scheduled as a result of the filing of a deprivation complaint or petition. • Purpose is to allow the court to determine whether there is probable cause to believe that the allegations of the complaint are true. 	<p>If probable cause found, the judge may order that the child remains in shelter care. A petition must be presented to the court within five calendar days of the 72-hour hearing. The order issued as a result of the 72-hour hearing must contain the <i>“contrary to the welfare of the child”</i> * or <i>“placement is in the best interest of the child.”</i> *</p> <p>Additionally, any order issued up to 60 days from removal must contain the <i>“reasonable efforts to prevent removal”</i> * finding. See Appendix E for “Model Order for Shelter Care.”</p> <p style="text-align: right;"><i>* IV-E requirement</i></p>
Dispositional Hearing	<ul style="list-style-type: none"> • Purpose is to determine what actions and recommendations are in the best interest of the child now that he/she has been found “deprived.” • If available, DFCS should share the results of the Comprehensive Assessment with the court to assist decision-making re: the placement and needed service activities. • The initial Case Plan may be incorporated into the dispositional order of the court (or in a later supplemental order). 	<p>The possible dispositional alternatives are:</p> <ul style="list-style-type: none"> -Permit the child to remain with parent or other custodian, possibly with supervision; -Transfer temporary legal custody to DFCS, another agency or any individual (including a putative father) who has been studied and approved for the care of the child.

<p>Motion Hearing (Extension of Custody)</p> <p>(Case Plan)</p> <p>Review Hearing</p>	<ul style="list-style-type: none"> Held within 12 months from the date the child is removed from the home for purposes of extending custody. It is recommended that DFCS files for a motion hearing within 90 to 120 days of the expiration of the temporary custody order. A permanency hearing may be held at the time of the extension hearing. Held if the parent disagrees with Case Plan and exercises his/her right to request a hearing before the court within 5 days of receipt of the Plan. 	<p>If granted, this single extension of custody is for a period not to exceed 12 months.</p> <p>Upon reviewing the Case Plan and hearing evidence, the court may issue a supplemental order to incorporate any changes/revisions.</p>
<p>Permanency Hearing</p>	<ul style="list-style-type: none"> Held whenever a Non-Reunification Case Plan is submitted to the court, then a hearing shall be scheduled within 30 days from the filing of the Plan; or held within 12 months of removal of the child (whichever comes first) to determine the permanency plan and set the future course of the case. Thereafter, held every 12 months as long as the child remains in care. (Can be held in conjunction with the Motion Hearing to extend custody.) 	<p>A permanency plan finding is made as well as a judicial determination to the effect that <i>"reasonable efforts to finalize the permanency plan."</i>* Other findings, if applicable, are made with respect to the child in out-of-state placement or for the youth age 14 and over. An order is entered (usually within 30 days of the permanency hearing documenting the court's findings).</p> <p><i>*IV-E requirement</i></p>
<p>Review Hearings</p>	<ul style="list-style-type: none"> May be held at any time by the court to determine the continued appropriateness of the Case Plan goals / services and the progress to date; overall case outcome for permanency is the focus. 	<p>At the time of every review, DFCS will be expected to indicate whether and when the agency intends to file a petition for termination of parental rights. A supplemental order may be entered if there are Case Plan revisions.</p>

A BILL TO BE ENTITLED AN ACT

To amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children and youth, so as to enact the "Foster Parents Bill of Rights"; to provide for a short title; to set out a list of rights for foster parents; to provide that such rights be taken into consideration in policies of the Division of Family and Children Services of the Department of Human Resources; to provide for the establishment of grievance procedures for violation of the bill of rights; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children and youth, is amended by adding a new article to read as follows:

. ARTICLE 14

49-5-280.

This article shall be known and may be cited as the 'Foster Parents Bill of Rights.'

49-5-281.

(a) The General Assembly finds that foster parents who are volunteers providing care for children who are in the custody of the Department of Human Resources play an integral, indispensable, and vital role in the state's effort to care for dependent children displaced from their homes. The General Assembly further finds that it is in the best interest of Georgia's child welfare system to acknowledge foster parents as active and participating members of this system and to support them through the following bill of rights:

(1) The right to be treated by the Division of Family and Children Services of the Department of Human Resources and other partners in the care of abused children with dignity, respect, and trust as a primary provider of foster care and a member of the professional team caring for foster children;

(2) The right not to be discriminated against on the basis of religion, race, color, creed, gender, marital status, national origin,

age, or physical handicap;

(3) The right to continue with his or her own family values and beliefs, so long as the values and beliefs of the foster child and the birth family are not infringed upon and consideration is given to the special needs of children who have experienced trauma and separation from their families. This shall include the right to exercise parental authority within the limits of policies, procedures, and other directions of the Division of Family and Children Services and within the limits of the laws of the State of Georgia;

(4) The right to receive both standardized pre-service training, including training in Division of Family and Children Services policies and procedures and appropriate ongoing training, by the Division of Family and Children Services or the placing agency at appropriate intervals to meet mutually assessed needs of the child and to improve foster parents' skills and to apprise foster parents of any changes in policies and procedures of the Division of Family and Children Services and any changes in applicable law;

(5) The right to be apprised of information, laws, and guidelines on the obligations, responsibilities, and opportunities of foster parenting and to be kept informed of any changes in laws, policies, and procedures regarding foster parenting by the Division of Family and Children Services in a timely manner and at least annually;

(6) The right to receive timely financial reimbursement according to the agreement between the foster parents and the Department of Human Resources from funds appropriated by the General Assembly and to be notified of any costs or expenses for which the foster parent may be eligible for reimbursement;

(7) The right to receive information from the Division of Family and Children Services on how to receive services and reach personnel 24 hours per day, seven days per week;

(8) The right prior to the placement of a child to be notified of any issues relative to the child that may jeopardize the health and safety of the foster family or the child or alter the manner in which foster care should be administered;

(9) The right to discuss information regarding the child prior to placement. The Division of Family and Children Services will

provide such information as it becomes available as allowable under state and federal laws;

(10) The right to refuse placement of a child in the foster home or to request, upon reasonable notice, the removal of a child from the foster home without fear of reprisal or any adverse affect on being assigned any future foster or adoptive placements;

(11) The right to receive any information through the Division of Family and Children Services regarding the number of times a foster child has been moved and the reasons thereof; and to receive the names and phone numbers of the previous foster parents if the previous foster parents have authorized such release and as allowable under state and federal law;

(12) The right, at any time during which a child is placed with the foster parent, to receive from the Division of Family and Children Services any and all additional pertinent information relevant to the care of the child;

(13) The right to be provided with a written copy of the individual treatment and service plan concerning the child in the foster parent's home and to discuss such plan with the case manager, as well as reasonable notification of any changes to that plan;

(14) The right to participate in the planning of visitation with the child and the child's biological family with the foster parents recognizing that visitation with his or her biological family is important to the child;

(15) The right to participate in the case planning and decision-making process with the Division of Family and Children Services regarding the child as provided in Code Section 15-11-58;

(16) The right to provide input concerning the plan of services for the child and to have that input considered by the department;

(17) The right to communicate for the purpose of participating in the case of the foster child with other professionals who work with such child within the context of the professional team, including, but not limited to, therapists, physicians, and teachers, as allowable under state and federal law;

(18) The right to be notified in advance, in writing, by the Division of Family and Children Services or the court of any

hearing or review where the case plan or permanency of the child is an issue, including periodic reviews held by the court or by the Judicial Citizen Review Panel, hearings following revocation of the license of an agency which has permanent custody of a child, permanency hearings, and motions to extend custody, in accordance with Code Section 15-11-58;

(19) The right to be considered, where appropriate, as a preferential placement option when a child who was formerly placed with the foster parents has reentered the foster care system;

(20) The right to be considered, where appropriate, as the first choice as a permanent parent or parents for a child who, after 12 months of placement in the foster home, is released for adoption or permanent foster care;

(21) The right to be provided a fair and timely investigation of complaints concerning the operation of a foster home;

(22) The right to an explanation of a corrective action plan or policy violation relating to foster parents; and

(23) The right, to the extent allowed under state and federal law, to have an advocate present at all portions of investigations of abuse and neglect at which an accused foster parent is present. Child abuse and neglect investigations shall be investigated pursuant to Division of Family and Children Services policies and procedures, and any removal of a foster child shall be conducted pursuant to those policies and procedures. The Division of Family and Children Services will permit volunteers with the Adoptive and Foster Parent Association of Georgia to be educated concerning the procedures relevant to investigations of alleged abuse and neglect and the rights of accused foster parents. After such training, a volunteer will be permitted to serve as an advocate for an accused foster parent. All communication received by the advocate in this capacity shall be strictly confidential.

(b) This bill of rights shall be given full consideration when Division of Family and Children Services policies regarding foster care and adoptive placement are developed.

(c) Foster parents shall have the right to file a grievance in response to any violation of this article, which shall be such foster parents' exclusive remedy for any violation of this article.

The Division of Family and Children Services and the Office of the Child Advocate for the Protection of Children, along with an advisory committee comprised in part of representatives from the Adoptive and Foster Parent Association of Georgia, will develop a grievance procedure, including a mediation procedure, to be published in departmental policy manuals and the Foster Parent Handbook within one year of the effective date of the article.

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

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BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE

Ratified in Congress Hall, Philadelphia, Saturday, the Twenty-eighth of April, NineteenHundred and Seventy Three; Reaffirmed During the National Focus on Foster Care Conference, Norfolk, Virginia, Wednesday, the Fourth of May, Nineteen Hundred and Eighty Three

EVEN more than for other children, society has a responsibility along with parents for the well-being of children in foster care. Citizens are responsible for acting to ensure their welfare. EVERY child is endowed with the rights inherently belonging to all children. In addition, because of the temporary or permanent separation from the loss of parents and other family members, the child requires special safeguards, resources and care.

EVERY CHILD IN FOSTER CARE HAS THE INHERENT RIGHT:

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| Article the first | to be cherished by a family of his own, either his family helped by readily available services and supports to reassume his care, or an adoptive family or by plan, a continuing foster family. |
| Article the second | to be nurtured by foster parents who have been selected to meet his individual needs, and who are provided services and supports, including specialized education, so that they can grow in their ability to enable the child to reach his potential. |
| Article the third | to receive sensitive, continuing help in understanding and accepting the reasons for his own family's inability to take care of him, and in developing confidence in his own self-worth. |
| Article the fourth | to receive continuing loving care and respect as a unique human being ...a child growing in trust in himself and others. |
| Article the fifth | to grow up in freedom and dignity in a neighborhood of people who accept him with understanding, respect and friendship. |
| Article the sixth | to receive help in overcoming deprivation or whatever distortion in his emotional, physical, intellectual, social and spiritual growth may have resulted from his early experiences. |
| Article the seventh | to receive education, training and career guidance to prepare him for a useful and satisfying life. |
| Article the eighth | to receive preparation for citizenship and parenthood through interaction with foster parents and other adults who are consistent role models. |
| Article the ninth | to be represented by an attorney at law in administrative or judicial proceedings with access to fair hearings and court review of decisions, so that his best interests are safeguarded. |
| Article the tenth | to receive a high quality of child welfare services, including involvement of the natural parents and his own involvement in major decisions that affect his life. |

RIGHTS OF PARENTS OF FOSTER CHILDREN*

Parents of foster children shall have the following rights:

- A.** To be treated as individuals who have all the rights guaranteed to them as citizens of the United States and their state.
- B.** To maintain custody of their child unless it has been demonstrated that this would jeopardize the child's health and welfare.
- C.** To be provided with opportunities to demonstrate their capacity to provide a suitable home for their child, and to regain custody of their child as quickly as possible, when regaining custody is consistent with the health and welfare needs of the child.
- D.** To receive proper and adequate notice regarding any grievance or legal proceeding concerning their child.
- E.** To participate in planning for their child, to receive a copy of the case plan and to receive notice of any formal review of their child's case plan.
- F.** To receive a clear written description of their rights and responsibilities and the agency's rights and responsibilities, and to receive information about any recourse they may have to contest actions taken by the agency.
- G.** To receive services, in accordance with the service plan, to assist them in overcoming the conditions which led to removal of their child, and if return of their child to their custody is not feasible, to help them adjust to an alternative permanent plan for their child.
- H.** To visit and communicate with their child within reasonable guidelines as set by the service plan and by the court.
- I.** To have their cultural, religious, ethnic or racial heritage respected as a plan for them and for their child is developed.
- J.** To receive an explicit written description of the expectations they must meet in order to have their child returned home and of the services the agency will provide to help them meet those expectations.
- K.** To have information maintained by the agency about them kept confidential.
- L.** To have access to information maintained by the agency about them within a framework of agency guidelines, which take into consideration others' rights to privacy, and to correct errors contained in those records.

*American Public Welfare Association. Standards for Foster Family Services Systems for Public Agencies. For Children's Bureau, Administration for Children, Youth and Families, Department of Health, Education and Welfare. DHEW Publication No. (OHDS) 79-30231